

under 35 U.S.C. 112, first paragraph; (3) the rejection of claims 1-3, 10-12, 23, 27 and 28 under 35 U.S.C. 102(b); and (4) the rejection of claims 1-3, 10-12, 27, 28 and 37 under 35 U.S.C. 102(b).

Rejection of claims 1-4, 8-14, 16, 20, 23, 24, 27-32, 35, 37, and 41-44 under 35 U.S.C. 112, first paragraph

Claims 1-4, 8-14, 16, 20, 23, 24, 27-32, 35, 37, and 41-44 stand rejected under 35 U.S.C. 112, first paragraph because it is asserted that the specification does not teach the use of a copy of a host gene inactivated in the host cell as the essential gene. In light of the claim amendments and the following remarks, applicants respectfully request withdrawal of this rejection.

The claims have been amended to recite that which is disclosed at page 10, lines 6-10, that the claimed cell has an inactivated native gene encoding a gene essential for cell survival, and that a copy of the native gene serves as the essential gene. It is believed that this amendment overcomes the claim rejection.

Rejection of claims 1, 27, 29 and 30 under 35 U.S.C. 112, second paragraph

Claims 1, 27, 29 and 30 stand rejected under 35 U.S.C. 112, second paragraph as being indefinite for reciting "the essential gene corresponds to an inactivated native gene of the cell". In light of the claim amendments and the following remarks, applicants respectfully request withdrawal of this rejection.

The claims have been amended to recite that the claimed cell has an inactivated native gene encoding a gene essential for cell survival, and that a copy of the native gene serves as the essential gene. It is believed that this amendment overcomes the claim rejection since it clarifies the limitations placed on the native gene and the essential gene.

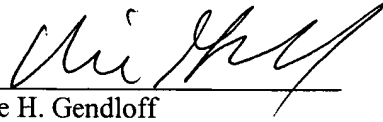
Rejections of claims 43 and 42 under 35 U.S.C. 112, second paragraph

Claim 43 stands rejected under 35 U.S.C. 112, second paragraph for being in improper Markush format. Also, claim 42 stands rejected under 35 U.S.C. 112, second paragraph for an indefinite recitation of "the essential." Both claim 43 and 42 have been amended as suggested in the Office Action. It is believed that those amendments overcome the claim rejections.

Conclusions

It is believed that, in light of the above claim amendments and remarks, the claims are in condition for allowance. However, the examiner is invited to contact the undersigned attorney to resolve any remaining issues.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Elie H. Gendloff', written over a horizontal line.

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